

**GOVERNMENT OF INDIA
WATER RESOURCES
LOK SABHA**

UNSTARRED QUESTION NO:4176

ANSWERED ON:16.12.2009

ENACTMENT OF KERALA IRRIGATION AND WATER CONSERVATION AMENDMENT ACT,2006

Sivasami Shri C.

Will the Minister of WATER RESOURCES be pleased to state:

- (a) whether the State Government of Kerala has enacted the Kerala Irrigation and Water Conservation (Amendment) Act, 2006;
- (b) if so, the details thereof; and
- (c) the reaction of the neighbouring States and the Union Government thereon?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES(SHRI VINCENT H. PALA)

(a) Yes, Madam.

(b) Details of the Act are available in the Government of Kerala Law (Legislation-B) Department Notification No. 5857/Leg.B1/05/Law dated 18th March, 2006.

(c) In this regard, the Government of Tamil Nadu filed a Suit No. 3 of 2006 in the Hon' ble Supreme Court praying for:-

(i) Declaration of Kerala Irrigation and Water Conservation (Amendment) Act 2006 passed by Kerala Legislature as unconstitutional in its application to and effect on Mulla Periyar Dam.

(ii) Pass a decree of Permanent injunction restraining Kerala from application and enforcing with or obstructing Tamil Nadu from increasing the water level of Mulla Periyar Dam to 142 ft. and from carrying out the repair works as per Judgement of Hon' ble Supreme Court dated 27.02.2006.

The Hon'ble Supreme Court passed an order on 25.09.2006 stating "the two State Governments independently or with the intervention of the Union of India may try to sort out, if possible, the dispute". The Hon' ble Union Minister (WR) convened an inter-State meeting of the Chief Ministers of States of Tamil Nadu & Kerala on Mulla Periyar dam issue on 29.11.2006 at New Delhi. Hon'ble Union Minister (WR) further discussed the matter with the Minister (WR/PW) from the states of Tamil Nadu & Kerala on 18.12.2006. The States of Tamil Nadu and Kerala reiterated their respective stand in the above meetings and no consensus could be reached regarding a solution acceptable to both States. Thus, the matter is subjudice.